Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of	)	
	)	
Equal Access and Interconnection	)	CC Docket No. 94-54
Obligations Pertaining to	)	RM-8012
Commercial Mobile Radio Services	)	

To: The Commission

COMMENTS OF THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

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September 12, 1994

TABLE OF CONTENTS

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The Personal Communications Industry Association ("PCIA") hereby submits its comments in response to the Commission's Notice of Proposed Rulemaking and Notice of Inquiry regarding commercial mobile radio service ("CMRS") equal access and interconnection issues.[1] In general, the Notice asks whether and how to implement equal access and interconnection for CMRS providers. PCIA's recommendations, detailed below, are designed to facilitate the Commission's goals of promoting competition and maximizing interconnectivity and ease of access.

I. SUMMARY

The Notice seeks comment on three broad areas affecting interconnection among CMRS providers, long distance carriers, and local exchange carriers ("LECs"):

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[1] Equal Access and Interconnection Obligations Pertaining to Commercial Mobile Radio Services, FCC 94-145 (Released July 1, 1994) ("Notice").

- It tentatively concludes that equal access obligations should apply to cellular carriers, and inquires whether to extend these obligations to other CMRS providers.

- It seeks comment on whether LEC/CMRS interconnection should be provided under tariff, or whether the current system of good faith, co-carrier negotiations should be retained or modified.

- It asks several questions regarding CMRS-to-CMRS interconnection and resale.

In addressing these areas, PCIA urges the Commission to keep three basic principles in mind. First, this proceeding should focus solely on broadband CMRS. An effective regulatory framework already exists for narrowband CMRS, and there is no conceivable rationale for encompassing narrowband CMRS within the scope of the equal access and interconnection obligations under consideration in this docket. Second, the broadband CMRS marketplace is vigorously competitive, and regulatory intervention should take place only where the benefits plainly outweigh the costs. Third, any rules adopted in this proceeding must treat all broadband CMRS providers substantially the same to achieve the regulatory parity objectives of revised Section 332 of the Communications Act, where applicable.

PCIA respectfully submits that the following courses of action are consistent with these principles and will advance the Commission's goals of promoting competition and maximizing interconnectivity and ease of access:

Equal Access. PCIA supports providing broadband CMRS customers the ability to route calls to the interexchange carrier ("IXC") of their choice through a dial-around arrangement (e.g., 800, 950, or 10XXX access). Before imposing additional equal

access obligations on any broadband CMRS providers, however, the Commission must carefully consider whether the costs of upgrading or designing networks to accommodate 1+ presubscription, balloting customers, and discontinuing wide-area calling plans outweigh the perceived customer benefits. The Commission also should recognize that under Section 332, whatever equal access obligations the FCC imposes on one category of broadband CMRS should ultimately apply to all similarly situated broadband CMRS offerings. Differences among categories of broadband CMRS may be taken into account by tailoring implementation schedules to allow for differing phase-in periods, but disparate imposition of equal access obligations would preclude fair competition and harm consumers.

LEC/CMRS Interconnection. The most significant obstacle to reasonable LEC/CMRS interconnections arrangements is the persistent unwillingness of the LECs to agree to mutual compensation, notwithstanding explicit directions from the FCC. To prevent this problem from delaying the introduction of personal communications services ("PCS"), the Commission should declare that mutual compensation is an inherent part of reasonable interconnection and good faith negotiations, and therefore applies regardless of the jurisdictional nature of the traffic. With respect to the form of interconnection agreements, PCIA recommends that the Commission not require federal tariffing of LEC/CMRS interconnection. Tariffing would increase costs, delay the availability of interconnection, and impose a "one-size-fits-all" approach on a dynamic and heterogeneous industry. To assure against discrimination, inter-carrier agreements could be filed with the Commission, as long as information identifying the CMRS

carrier is deleted and the Commission does not impose a filing fee or require that the agreements correspond to a particular format.

CMRS/CMRS Interconnection. CMRS-to-CMRS interconnection should be governed largely, but not entirely, by the marketplace. Specifically, to promote flexibility and allow CMRS providers to reach mutually satisfactory arrangements in a competitive marketplace, the Commission should not specify what forms of interconnection will be considered technically reasonable or require CMRS providers to file interconnection tariffs. The Commission should, however, mandate that interconnection between CMRS carriers comply with Sections 201 and 202 of the Communications Act. That is, where interconnection is offered, it should be available upon reasonable request and at just, reasonable, and non-discriminatory rates. Mutual compensation may be considered an element of just, reasonable, and non-discriminatory rates, so that if mutual compensation is offered to one CMRS provider, it should be available on the same terms to other similarly situated CMRS providers. In addition, the Commission should state that because CMRS providers are co-carriers, they are required to negotiate interconnection in good faith, consistent with the approach in the Ombudsman Order.[2]

Resale. CMRS providers should not be permitted to impose unreasonable restrictions on resale. At the same time, though, CMRS providers should not be allowed to use resale to evade the intent of Commission's minimum construction

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[2] See The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services, 2 FCC Rcd 2910 (1987) ("Ombudsman Order").

requirements. If resale were allowed for this purpose, it would thwart the Commission's desire to ensure that PCS service is made available to as many communities as possible and that PCS spectrum is used efficiently.

II. THE COMMISSION MUST BE CAREFUL TO ASSURE THAT ANY EQUAL ACCESS OBLIGATIONS PRODUCE TANGIBLE BENEFITS THAT OUTWEIGH THE IMPLEMENTATION COSTS.

The Notice raises numerous questions regarding equal access for CMRS providers. It suggests that, in deciding whether to impose equal access obligations on particular classes of CMRS providers, it should consider whether doing so would promote the efficient provision of service to consumers at reasonable prices, foster competition, and achieve the broadest possible access to telecommunications networks and services.[3] It also -- quite properly in PCIA's view -- recognizes that the Commission must be mindful of the costs and benefits of CMRS equal access.[4]

With respect to cellular carriers, the Commission tentatively concludes that equal access would increase customer choice, lower the price of long distance services originating or terminating on cellular systems, increase access to networks, and treat Bell Operating Company ("BOC") and non-BOC cellular carriers consistently.[5] At the same time, however, the Commission recognizes that imposition of equal access requirements could impose significant implementation costs and might prevent

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[3] Notice at ¶ 31.

[4] Id. at ¶ 3.

[5] Id. at ¶¶ 36-39.

realization of some efficiencies of vertical integration.[6] On balance, the Commission states that it believes the benefits of equal access for cellular outweigh these costs, although it asks whether competition from new CMRS services should change this analysis.[7]

As for other broadband CMRS providers, the Commission notes that enhanced specialized mobile radio ("ESMR") and broadband PCS services may compete with cellular, and therefore, that regulatory parity might support imposition of equal access requirements. It also suggests that extending equal access obligations to these new services might be achieved at lower cost than converting existing systems.[8]

With regard to paging, the Commission concludes that "application of equal access does not seem relevant because the paging customer does not access an IXC's network" and that paging historically has been purchased as a single service, without separate charges for interstate and intrastate portions of calls.[9] PCIA responds to these statements and inquiries below.

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[6] Id. at ¶¶ 40-41.

[7] Id. at ¶¶ 42-43.

[8] Id. at ¶ 45.

[9] Id. at ¶ 47.

A. Equal access should not apply to paging or narrowband CMRS.

PCIA strongly concurs in the Commission's tentative conclusion that equal access should not apply to paging or narrowband CMRS. As the Commission correctly recognizes, imposing equal access obligations on paging and other forms of narrowband CMRS is unnecessary. Paging subscribers always have obtained service on an end-to-end basis, with no reason artificially to divide the service into intrastate and interstate components. Moreover, no paging carrier, including those affiliated with BOCs, is subject to equal access obligations. Accordingly, there is no reason to "level the playing field" by imposing equal access obligations.

Additionally, the costs of implementing equal access for narrowband CMRS providers would greatly exceed any potential customer benefits. For example, these CMRS providers would be forced to take Type 2 interconnection, even where their business plans could be readily satisfied through less expensive and more efficient alternatives.[10] In addition, these carriers would be required to procure full-fledged switching equipment even though, in many cases, they could use less sophisticated hardware to provide service. In both cases, prices to consumers would have to be significantly increased in order to recover the costs and ongoing expenses of equal access implementation.

B. The Commission should critically evaluate the costs and benefits before applying equal access to broadband CMRS providers.

[10] See Notice at ¶ 40.

For broadband CMRS services, PCIA agrees with the Commission that customers should be entitled to reach their preferred IXC. In particular, PCIA supports providing broadband CMRS customers the ability to route calls to the IXC of their choice through a dial-around arrangement (e.g., 800, 950, or 10XXX access). However, in assessing whether further measures such as 1+ presubscription and balloting procedures are necessary, PCIA urges the Commission closely to examine the associated costs and benefits.

As the Notice recognizes, applying equal access to broadband CMRS would engender significant costs in several categories.[11] Existing providers would need to modify or even replace switching equipment, change service ordering systems, and if required, implement notification and balloting procedures. New entrants would need to utilize more expensive switching equipment and more advanced interconnection arrangements than might otherwise be necessary. Ongoing costs for all providers would include maintenance of software and provisioning systems, as well as possible foregone consumer benefits associated with bulk discount offerings and inexpensive wide-area calling plans.

The Commission suggests that these costs may be outweighed by a variety of consumer benefits, including expanded access, lower rates, and greater choice. In assessing the merits of this position, PCIA urges the Commission to scrutinize the record for tangible evidence that these benefits in fact would result. PCIA does not

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[11] Notice at ¶ 42.

now take a position on whether broadband CMRS equal access can be justified on a cost/benefit basis. Nonetheless, it believes that in a vibrantly competitive marketplace, any extension of significant regulatory requirements must be predicated on a finding of clear and convincing need. Given the highly competitive nature of the CMRS market and the imminent entry of several new broadband providers, that need is questionable.

In any event, PCIA believes that the regulatory parity directive (and sound public policy) and Section 332 of the Act require that whatever equal access obligations the FCC imposes on some class of broadband CMRS providers should apply to all substantially similarly services. Disparate treatment regarding such a fundamental matter as equal access inevitably would produce marketplace distortions and inhibit, rather than enhance, competition. Although the Commission arguably has authority to forbear from compelling certain classes of broadband CMRS providers to implement equal access, it should cautiously consider the competitive consequences of doing so.

C. If so obligated, broadband CMRS providers should be allowed to phase in implementation of equal access.

The Commission is correct in concluding that broadband CMRS providers should be allowed to phase in implementation of any equal access obligations, should the Commission choose to impose them.[12] The sheer scope of the requirement, coupled with uncertainty about its implementation in a competitive market, counsel a deliberate deployment schedule that preserves any consumer benefits while minimizing

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[12] Id. at ¶ 54.

unnecessary costs. In particular, as it did in the landline market, the Commission should provide a flexible implementation mandate (if any) tied to reasonable demand.

Moreover, any implementation schedule should recognize that all broadband CMRS providers cannot be expected to implement equal access at the same rate. Different providers with different business plans may have unique interconnection requirements. Equal access implementation, if required, should not interfere with construction and expansion of networks.

III. LEC-TO-CMRS INTERCONNECTION SHOULD CONTINUE TO BE SUBJECT TO GOOD FAITH NEGOTIATIONS, BUT THE COMMISSION SHOULD CLARIFY THAT MUTUAL COMPENSATION APPLIES WITHOUT REGARD TO THE JURISDICTIONAL NATURE OF THE TRAFFIC.

The Regulatory Parity Second Report and Order[13] strongly reaffirmed that CMRS providers should be treated as co-carriers and that the interconnection obligations defined in the Ombudsman Order, including mutual compensation, should apply to all CMRS providers.[14] In the Notice, the Commission appropriately reiterated that mutual compensation is an essential element of LEC/CMRS interconnection and sought comment primarily on whether such interconnection should be tariffed or should continue to be subject to good faith negotiations. As discussed

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[13] Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, Second Report and Order, 9 FCC Rcd 1411 (1994) ("Regulatory Parity Second Report and Order").

[14] Id. at 1497-98 (¶¶ 230-234).

below, PCIA does not believe that federal tariffing of LEC/CMRS interconnection (as opposed to filing co-carrier agreements) is either necessary or beneficial. The Commission can do more to expedite and enhance interconnection negotiations by clarifying that the mutual compensation obligation is an inherent part of good faith negotiations and reasonable interconnection, and accordingly applies regardless of the jurisdictional nature of the traffic.

A. The Commission should not require LEC/CMRS interconnection agreements to be tariffed.

Obligatory federal tariffing of LEC/CMRS interconnection raises significant concerns. First, tariffing inherently creates transaction costs, such as preparing, filing, and maintaining tariffs, that are not incurred when interconnection is governed by private agreements. Second, tariffing also likely would delay the availability of interconnection service. Any tariff almost certainly would be filed on an extended notice period and be subject to a lengthy review process by the FCC. This period of delay in turn would defer the introduction of new CMRS services to the public and would prevent new CMRS entrants from beginning to realize revenues from their investments. In addition, tariffing suggests a "one-size-fits-all" approach to interconnection. In reality, however, different CMRS providers with different business

plans may have unique interconnection requirements. Accordingly, tariffing might artificially limit the range of interconnection alternatives.[15]

The Commission's suggestion of including a mandatory "most favored customer" clause in interconnection agreements[16] also is problematic. Such clauses do not add anything to the LECs' pre-existing obligation under Section 202 of the Communications Act not to engage in unreasonable discrimination. In addition, such clauses generally are so vague -- typically referring to similarly situated customers and similar types and quantities of services -- that they invite serious interpretation disputes.

PCIA believes that the best approach would be for the Commission to require the LECs to file all carrier-to-carrier interconnection agreements, so that the terms, conditions, and rates are available for public inspection.[17] Such a requirement would assure against discrimination while preserving flexibility and minimizing regulatory burdens. If the Commission requires agreements to be filed, however, it should require that all information that might identify the CMRS provider be deleted. Interconnection agreements may contain competitively sensitive information about network architecture and expansion plans. Accordingly, disclosing these agreements in a manner that permits identification of the CMRS provider could diminish competition.

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[15] Although contract tariffs might afford CMRS providers more flexibility, they do not avoid the transaction costs of tariffing and accordingly may artificially increase interconnection costs and rates to end users. See Notice at ¶ 117.

[16] Notice at ¶ 119.

[17] See Notice at ¶ 120.

In addition, to minimize the burden of filing such agreements, the Commission should not impose a fee for their submission and should not require that the filed documents be in any particular format. The Commission should clarify that the negotiated agreements currently required to be filed by some states should be sufficient for any new federal filing requirement. Finally, PCIA wishes to emphasize that its support for filing LEC/CMRS interconnection agreements is based on the history of new licensees having to establish relationships with incumbent bottleneck carriers, and should not be considered as a precedent for CMRS/CMRS interconnection.

B. The Commission should require that all LEC/CMRS interconnection agreements provide for mutual compensation.

The Commission has long recognized that LECs and CMRS providers should be required to compensate each other for terminating traffic that originates on each other's networks.[18] In the seven years since issuance of the Ombudsman Order, however, the LECs have steadfastly resisted mutual compensation notwithstanding the clear requirements of that Order. Indeed, not only have the LECs declined to pay compensation to cellular and paging companies for terminating traffic that originates on

[18] The import of this issue has been recognized in recent legislative initiatives, which include specific language requiring compensation for interconnection. S. 1822, 103rd Cong., 2nd Sess. § 230(f) (1994) ("Hollings Bill") states that "The Commission and the States shall adopt regulations to ensure that telecommunications carriers compensate each other for termination of telecommunications services on each other's networks."

the landline network, but some LECs actually have imposed originating access charges on mobile carriers for providing this service to the LEC.

To avoid continuation of this dispute in the future -- and extending it to thousands of new PCS entrants -- the Commission should clarify that all LEC/CMRS interconnection agreements must provide for mutual compensation for both interstate and intrastate traffic.[19] Both the Regulatory Parity Second Report and Order and the FCC's implementing regulations affirmatively specify that mutual compensation is required, without differentiating between interstate and intrastate traffic.[20] Section 20.11(b) of the rules states that "[l]ocal exchange carriers and commercial mobile radio service providers shall comply with principles of mutual compensation."[21] Similarly, paragraph 232 of the Second Report and Order states that mutual compensation is part of the "reasonable interconnection" requirement, over which the FCC has asserted

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[19] To allow flexibility in implementing the mutual compensation obligation, however, the Commission should not impose a specific formula or filing requirement for the negotiation of the compensation between the carriers. The dictates of Sections 201 and 202 of the Act should ensure that mutual compensation, once reinforced as an obligation, is implemented upon reasonable request and at just, reasonable and nondiscriminating rates. As dominant carriers, landline LECs would have the burden, if challenged, of producing evidence that their interconnection rates meet this standard. In the event of a dispute, LECs may satisfy this obligation with cost-based rates, but non-cost-based rates may also be just and reasonable based on other considerations, such as technical challenges or uncertain demand for particular interconnection arrangements.

[20] Regulatory Parity Second Report and Order, 9 FCC Rcd 1411 at 1498 (¶ 232) (to be codified at 47 C.F.R. § 20.11 (1994)).

[21] Regulatory Parity Second Report and Order, App. A at 1520 (to be codified at 47 C.F.R. § 20.11(b)).

plenary jurisdiction, and directs that "LECs shall compensate CMRS providers for the reasonable costs incurred by such providers in terminating traffic that originates on LEC facilities."[22] In contrast, other sections of the rules and the Second Report and Order explicitly apply only to interstate aspects of interconnection. Clearly, then, the mutual compensation obligation is an inherent part of reasonable interconnection and good faith negotiations, which are solely within the Commission's jurisdiction.

IV. CMRS-TO-CMRS INTERCONNECTION SHOULD BE GUIDED PRIMARILY BY THE MARKETPLACE, CONSISTENT WITH THE REQUIREMENTS OF SECTIONS 201 AND 202 OF THE COMMUNICATIONS ACT AND THE CO-CARRIER STATUS OF CMRS PROVIDERS.

With respect to CMRS-to-CMRS interconnection, the Commission properly recognizes that the CMRS marketplace is vigorously competitive and that CMRS providers do not control bottlenecks.[23] Nonetheless, it inquires whether CMRS-to-CMRS interconnection should be mandated in order to promote broad access to the public switched network and economic growth, and whether such interconnection would advance competition and lower rates.[24] The Commission also seeks comment on whether different kinds of interconnection obligations should apply to different kinds of CMRS providers, whether CMRS resellers using their own switches should bear interconnection obligations, and what technical form of interconnection might be

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[22] Regulatory Parity Second Report and Order, 9 FCC Rcd 1498 at (¶ 232).

[23] Notice at ¶124.

[24] Id. at ¶¶ 122, 126.

appropriate.[25] Finally, the Commission asks whether CMRS providers should be required to provide mutual compensation and to tariff their interconnection rates.[26]

PCIA does not believe the Commission should establish formal, detailed broadband CMRS-to-CMRS interconnection obligations at this time.[27] For example, it would be imprudent for the Commission to specify up front what forms of interconnection will be considered technically reasonable. In the competitive and innovative CMRS marketplace, where there are a multitude of service providers with varying needs, carriers should be allowed to negotiate whatever form of interconnection suits both parties.

Nonetheless, while marketplace incentives should encourage interconnection and interoperability, some basic guidelines -- based on the requirements of Sections 201 and 202 of the Act and Commission precedent -- should be adopted in order to reinforce those incentives and promote goals of efficient access to public networks. Specifically, PCIA recommends that the following principles apply to CMRS-to-CMRS interconnection:

First, as required by Section 201(a) of the Act, CMRS providers should be required to provide service upon reasonable request. Thus, a CMRS provider should not be permitted to deny interconnection to another CMRS provider without showing

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[25] Id. at ¶¶ 127-130.

[26] Id. at ¶¶ 131, 136.

[27] In no event, however, should the Commission impose interconnection obligations on the highly competitive paging and narrowband CMRS industry.

that such denial is reasonable. Interconnection also must be provided at just and reasonable rates, terms, and conditions, as required by Section 201(b) of the Communications Act.[28] In the event of a dispute, the interconnection rates of non-dominant CMRS providers should be presumed just and reasonable. CMRS providers (if any) that are considered dominant would have the burden, if challenged, of producing evidence that their interconnection rates are just and reasonable. As with disputes involving LEC/CMRS interconnection, this standard can be satisfied by cost-based rates, but non-cost-based rates may also be just and reasonable based on other considerations, such as technical challenges or uncertain demand for particular interconnection arrangements.[29]

Second, as required by Section 202 of the Act, CMRS providers cannot engage in unreasonable discrimination in offering interconnection to other CMRS providers. Thus, if a particular interconnection arrangement is offered to one CMRS provider, a carrier may not deny that arrangement to a similarly situated CMRS provider without demonstrating that such denial is reasonable.

Third, CMRS providers are co-carriers and as such should be required to negotiate interconnection in good faith. Accordingly, requests for interconnection

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[28] In this regard, mutual compensation may be an element of just, reasonable, and non-discriminatory rates. Thus, if a CMRS provider offers mutual compensation to another carrier, it should offer such compensation to other carriers unless it can show that denying mutual compensation is not unjust or unreasonably discriminatory.

[29] CMRS providers should not be required to tariff their interconnection offerings for the same reasons that LEC/CMRS agreements should not be tariffed, as discussed above.

should be responded to in a reasonable and timely manner, consistent with the approach set out in the Ombudsman Order. Parties requesting interconnection who believe that this requirement has been violated may file complaints pursuant to Section 208 of the Communications Act.

Finally, the Commission should not extend interconnection rights to private carriers or individuals (other than grandfathered private carriers that will be re-classified as CMRS). Neither the Commission nor commenters have articulated a reason to treat competitive CMRS providers the same as landline LECs that retain bottleneck control of access facilities. Moreover, such mandated interconnection could impose potentially considerable burdens without producing offsetting public interest benefits.

These principles should apply to all broadband CMRS providers, including resellers using their own switches. There is no basis for imposing different interconnection obligations on different types of broadband CMRS providers, and Section 332 of the Act compels regulatory parity absent some compelling reason for exempting particular service providers.

V. BROADBAND CMRS PROVIDERS SHOULD BE SUBJECT TO A GENERAL RESALE REQUIREMENT.

In the Notice, the Commission asks whether it should "place the resale obligations that apply to cellular licensees on all CMRS providers or any particular

class of CMRS providers".[30] PCIA urges the Commission to determine that, under Sections 201 and 202 of the Communications Act, CMRS providers may not unreasonably restrict resale. This policy has applied for years in the interexchange and cellular markets, and there is no compelling reason for exempting broadband CMRS providers from resale responsibilities. In addition, as long as cellular providers remain subject to resale obligations, regulatory parity requires that all providers of substantially similar services be treated consistently.

The Commission should clarify, however, that CMRS providers cannot use resale opportunities to evade the intent of the construction requirements imposed in the Broadband Reconsideration Order.[31] In that proceeding, the Commission determined that PCS licensees are required to meet specified construction benchmarks to ensure efficient spectrum utilization and service to the public.[32] Fulfilling this obligation through resale would thwart the purpose of the Commission's build-out requirements.

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[30] Notice at ¶ 137.

[31] Amendment of the Commission's Rules to Establish New Personal Communications Services, FCC 94-144 (Released June 13, 1994) ("Broadband Reconsideration Order").

[32] Id. at ¶ 154.

VI. CONCLUSION

To promote competition, interconnectivity and ease of access, PCIA endorses the following courses of action:

- The Commission should not impose additional regulatory obligations on narrowband CMRS providers;
- Broadband CMRS customers should have the ability to route calls to the IXC of their choice through a dial-around arrangement;
- Before imposing additional equal access obligations on any class of broadband CMRS, the Commission should carefully consider whether the perceived customer benefits would outweigh the costs;
- To avoid competitive distortions, whatever equal access obligations the FCC imposes on one category of broadband CMRS should apply to all other broadband CMRS offerings, with appropriate phase in rules that recognize the different capabilities of different offerings;
- Interstate interconnection of LECs and CMRS providers should not be tariffed, but should continue to be offered pursuant to inter-carrier contracts that could be filed with the Commission, provided that information identifying the CMRS carrier is removed and no filing fee imposed;
- The mutual compensation obligation should apply to LEC/CMRS interconnection without regard to the jurisdictional nature of the traffic;
- CMRS providers should be required to negotiate interconnection with other CMRS providers in good faith, but the Commission should not specify up front what forms of interconnection will be considered reasonable;
- If mutual compensation is offered by one CMRS provider to another CMRS provider, it should be available on the same terms to other similarly situated CMRS providers; and
- CMRS providers should not be permitted to impose unreasonable restrictions on resale and should not be allowed to use resale to evade build-out requirements.

By taking these steps, the Commission can pave the way for continued growth, diversity, competition, and innovation in the CMRS marketplace.

Respectfully submitted,

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September 12, 1994

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of September, 1994, I caused copies of the foregoing "Comments Of The Personal Communications Industry Association" to be hand-delivered to the following:

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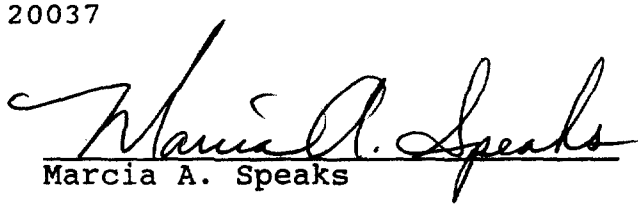

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